

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

RAY CHARLES SCHULTZ, et al.,
Plaintiffs,

v.

STATE OF ALABAMA, et al.,
Defendants.

RANDALL PARRIS, on behalf of
himself and those similarly situated,
et al.,
Plaintiff-Intervenors,

v.

MARTHA WILLIAMS, et al.,
Defendants.

BRADLEY HESTER, on behalf of
himself and those similarly situated,
Plaintiff-Intervenor,

v.

MATT GENTRY, et al.,
Defendants.

Case No. 5:17-cv-00270-MHH

Class Action

**PLAINTIFF SCHULTZ'S AND INTERVENOR-PLAINTIFF PARRIS'S
MOTION TO DISMISS COMPLAINTS PURSUANT TO FED R. CIV. P. 42**

Plaintiffs Ray Charles Schultz, Davon Treshawn Beebe, Tyrone Daishawn Beebe, and James Hugo Sterling, and Intervenor-Plaintiff Randall Parris, through undersigned counsel, move the Court as follows:

BACKGROUND

Shultz Proceedings

1. Plaintiffs Schultz, Davon Beebe, Tyrone Beebe, and James Hugo Sterling filed the instant action on February 21, 2017, naming as defendant the State of Alabama. Doc. No. 1. Plaintiffs filed an amended complaint on April 18, 2017, naming as defendants Barry Matson, Randy Helms, Sheriff Matt Gentry, Attorney General Steven Marshall, and the State of Alabama. Doc. No. 14. On June 8, 2017, the Court dismissed Defendants State of Alabama, Marshall, Helms, and Matson. Doc. Nos. 34, 36.

Parris Proceedings

2. Intervenor-Plaintiff Parris filed a motion to intervene on June 7, 2017, which the Court granted on June 8, 2017. Doc. Nos. 31, 37. Parris then filed his intervenor complaint on June 13, 2017, naming as defendants Judge Martha Williams, Magistrate Joan White, Magistrate Amy Black, Clerk Lisa McSwain, the Cullman County Commission, Kenneth Walker, Kerry Watson, Garry Marchman, the Cullman County Sheriff's Office, Sheriff Matt Gentry, the Alabama Administrative Office of the Courts, and Randy Helms. Doc. No. 39.

3. Parris filed an amended intervenor complaint on June 15, 2017, adding as intervenor-plaintiffs Gorman Max Cullwell, Jr., Rose Meeks, Colin Scott, Nicholas Moody, Christy Burks, Shawn Smelser, and Misti Anderson. Doc. No. 52. The Cullman County Sheriff's Office moved to be dismissed, which the Court granted. Doc. Nos. 57, 60.

4. Parris filed a second amended intervenor-complaint on June 30, 2017, which sought to drop intervenor-plaintiffs Scott and Moody, and add intervenor-plaintiffs Terry Lelan Turney, Kyron Yarbrough, Jonathan Stark, and Joshua Ryan Shelton. Doc. No. 61. The Court then ordered the dismissal of the following parties on July 17, 2017: intervenor-plaintiffs Scott, Burks, Smelser, and Moody, and defendants Walker, Marchman, Watson, and the Cullman County Commission. Doc. No. 69. Parris withdrew the second amended complaint filed on June 30, 2017, Doc. No. 61, making the amended complaint filed on June 15, 2017, his operative pleading, Doc. No. 52. Parris was given leave to file a motion to amend his complaint, Doc. No. 70, which he filed on July 26, 2017, along with new proposed intervenor-plaintiffs Stephanie Williams and Amanda Cornelius, Doc. No. 75.

5. Parris filed a motion to certify a class on September 28, 2017. Doc. No. 91. That motion has not been briefed and is pending.

Hester Proceedings

6. Plaintiff-Intervenor Bradley Hester filed his motion to intervene on August 1, 2017. Doc. No. 76. The motion was granted on March 8, 2018. Doc. No. 94. The intervenor-complaint was filed on March 9, 2018. Doc. No. 95.

REQUEST FOR RELIEF

7. Plaintiffs Schultz, Davon Beebe, Tyrone Beebe, and James Hugo Sterling seek to have their amended complaint, Doc. No. 14, dismissed pursuant to Fed. R. Civ. P. 41(a)(2), and to terminate Schultz, Davon Beebe, Tyrone Beebe, and Sterling from this proceeding. Plaintiffs make this motion in recognition of the overlapping nature of their amended complaint and the complaint of Intervenor-Plaintiff Hester, and in recognition that any prospective relief obtained through the complaint of Intervenor-Plaintiff Hester would apply to all similarly situated individuals.

8. Intervenor-Plaintiffs Parris, Cullwell, Jr., and Anderson seek to have their amended complaint, Doc. No. 52, dismissed pursuant to Fed. R. Civ. P. 41(a)(2), and to terminate Intervenor-Plaintiffs Parris, Cullwell, Jr., and Anderson from this proceeding. Intervenor-Plaintiffs also seek to withdraw their motion for class certification, Doc No. 91, and Parris and proposed new Intervenor-Plaintiffs Williams and Cornelius further seek to withdraw their motion to file an amended complaint, Doc. No. 75. Intervenor-Plaintiffs make this motion in recognition of the overlapping nature of their amended complaint and the complaint of

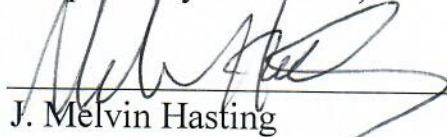
Intervenor-Plaintiff Hester, and in recognition that any prospective relief obtained through the complaint of Intervenor-Plaintiff Hester would apply to all similarly situated individuals.

POSITION OF OTHER PARTIES

9. All parties to this action have been consulted regarding this motion. All parties represent that they do not oppose this motion.

Dated: March 22, 2018.

Respectfully submitted,



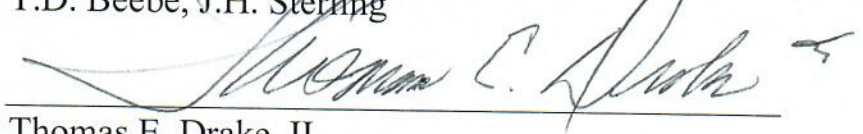
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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing was filed through the Court's CM/ECF filing system, and by virtue of this filing notice will be sent electronically to all counsel of record, including:

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on this March 22, 2018.

A handwritten signature in black ink, appearing to read "Thomas E. Drake, II", written over a horizontal line.

Thomas E. Drake, II